

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. CR-18-227-SLP
)
)
JOSEPH MALDONADO-PASSAGE,)
)
)
Defendant.)

ORDER

Before the Court is the Motion for New Trial [Doc. No. 215] filed by Defendant Joseph Maldonado-Passage. The Motion for New Trial states that “Defendant incorporates and adopts all factual and legal arguments herein from Defendant’s Motion for New Trial attached as *Exhibit 1* to Defendant’s Second Motion for Leave to File an Oversized Brief [DE 214].” Mot. 5. The Court will not permit Defendant to incorporate by reference—without leave of court—approximately 200 pages of briefing filed as an attachment to a separate request for excess pages. *See* Doc. No. 214-1. This approach attempts to circumvent the Court’s rules regarding page limitations and the February 10, 2022 Order of this Court [Doc. No. 213] denying Defendant’s previous request to file an oversized brief. *See Chaib v. Ashcroft*, 397 F.3d 1273, 1276 (10th Cir. 2005) (“courts generally disfavor incorporation by reference because doing so allows practitioners to circumvent page limitations and complicates the judge’s responsibilities” (citing *Gaines-Tabb v. ICI Explosives, USA, Inc.*, 160 F.3d 613, 624 (10th Cir. 1998))).

IT IS THEREFORE ORDERED that Defendant's Motion for New Trial [Doc. No. 215] is STRICKEN.

IT IS SO ORDERED this 16th day of February, 2022.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE